

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM DIESER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:03CV00021SNL
)	
CONTINENTAL CASUALTY COMPANY,)	
)	
and)	
)	
COMPUCOM SYSTEMS, INC.,)	
)	
Defendants.)	

ORDER

In accordance with the related Order entered on August 24, 2004 and the accompanying Memorandum Opinion entered on August 26, 2004, this Court finds the following with respect to prejudgment interest,¹

IT IS HEREBY ORDERED that judgment is entered in favor of Plaintiff William Dieser in the amount of \$104.86 from Defendant CompuCom Systems, Inc. for prejudgment interest on past due short term disability benefits from January 2001 until August 2004.

¹On April 21, 2005, Defendants/Appellants Continental Casualty Company and CompuCom Systems, Inc. filed their notice of appeal to the United States District Court of Appeals for the Eighth Circuit in which they stated, "The Court has not yet ruled on Plaintiff/Appellee's request for pre-judgment interest; however, Defendants/Appellants intend to include in their appeal any award of pre-judgment interest." As Defendants have filed their notice of appeal, this Court is not certain that it has jurisdiction over the instant prejudgment interest matter. *See, Hunter v. Underwood*, 362 F.3d 468 (8th Cir. 2004) ("As a general rule, 'a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal ... confers jurisdiction on the court of appeals and divests the district court o[f] its control over those aspects of the case involved in the appeal.'" (citing *Liddel v. Bd. of Educ.*, 73 F.3d 819, 822 (8th Cir. 1996) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, 103 S.Ct. 400, 74 L.Ed.2d 225 (1982))).

IT IS FURTHER ORDERED that judgment is entered in favor of Plaintiff William Dieser in the amount of \$2,689.20, from Defendant Continental Casualty Company for prejudgment interest due on each past due long term disability benefit payment from April 2001 until August 2004.

Dated this 27th day of June, 2005.



SENIOR UNITED STATES DISTRICT JUDGE